

## REMARKS

Reconsideration of the present application is respectfully requested. Claims 1, 4, 9-13, 17 and 24 have been amended. Claims 14, 15 and 29 have been canceled. No claims have been newly added. No new matter has been added.

### Double Patenting

Claims 1-29 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-28 of copending Application No. 10/798,987, claims 1-30 of copending Application No. 10/799,861 and claims 1-38 of copending Application No. 10/800,163. With respect to the provisional obviousness-type double patenting rejections, Applicants submit herewith a terminal disclaimer, relative to U.S. Patent Applications No. 10/798,987, 10/799,861 and 10/800,163 without admitting to the propriety of the provisional obviousness-type double patenting rejections. Hence, Applicants submit that all double patenting rejections have been overcome.

### Claim Rejections - §112

Claim 4 stands rejected under 35 USC §112, second paragraph, as being indefinite. Claim 4 has been amended. Applicants believe that claim 4, as currently amended, overcomes the §112, second paragraph, rejection.

### Claim Rejections - §102(b)

Independent claims 1, 9, 17 and 24 stand rejected under 35 USC §102(b) based on Kao (US Pat. No. 5,313,631). Applicants respectfully traverse the rejections.

Claim 1, as currently amended, recites:

1. A method for collecting information from a storage server comprising:

**scanning the storage server and collecting information regarding files stored by the storage server, by an agent that is a separate device from the storage server;**

summarizing the information and creating a summary by the agent; and  
storing the summary on a database server.

(Emphasis added)

In contrast, Kao does not teach or suggest the above emphasized limitation. Kao discloses a statistics collection routine 124 and a statistic summarization process 120 (see Figure 1). The statistics collection routine 124 is part of an operating system 118 (Figure 1). However, as disclosed in Kao, the collection routine 124 collects statistic data regarding files stored on the primary storage 110, which is in the same computer system 100 where the collection routine 124 is executed (see Kao's Figure 1 and column 3, lines 57-67). Thus, even assuming *arguendo* that the computer system 100 may be considered as an agent, the computer system 100 collects information regarding files stored on itself. However, the agent recited in claim 1 scans a storage server and collects information regarding files stored on the storage server, which is a separate device from the agent. Although the computer system 100 is connected with a file server 130, the collection routine 124 does not scan the file server 130 and collects statistic data regarding files stored on the file server 130. Rather, as disclosed in column 4, lines 19-28 of Kao, the file server 130 is only used for storing files that have been migrated from the primary storage 110 to the file server 130.

Thus, Kao does not teach or suggest scanning the storage server and collecting information regarding files stored thereon, by an agent that is a separate device from the storage server, such as recited in claim 1.

In addition, claim 1 is also not obvious in view of Kao. The purpose of Kao's method and system is to reduce the size of the high speed disk storage needed for a computer system to improve the overall efficiency of the high speed storage device (see Kao's column 1, lines 53-60). In contrast, the purpose of the present invention as recited in claim 1 is to provide statistic

data for file system management, which is different from the purpose of Kao's method and system.

Thus, at least for the foregoing reasons, claim 1 and all claims which depend on it are patentable over Kao.

Independent claims 9, 17 and 24 each recites limitation similar to that discussed above for claim 1. For similar reasons, claims 9, 17, 24 and all claims which depend on them are also patentable over Kao.

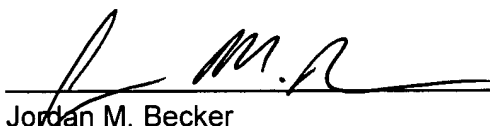
#### Conclusion

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

Respectfully submitted,  
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